

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

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PATRICK STEVEN CHAD
MACDONALD,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 14-509V

Special Master Moran

Filed: October 13, 2015

Attorneys' fees and costs; award in
the amount to which respondent does
not object.

Michael G. McLaren, Esq., Black, McLaren, Jones, Ryland & Griffee, PC,
Memphis, TN, for Petitioner;
Justine Walters, United States Dep't of Justice, Washington, DC, for Respondent.

UNPUBLISHED DECISION ON FEES AND COSTS¹

On October 7, 2015, respondent filed a stipulation of fact concerning final attorneys' fees and costs in the above-captioned matter. Previously, petitioner informally submitted a draft application for attorneys' fees and costs to respondent for review. Upon review of petitioner's application, respondent raised objections to certain items. Based on subsequent discussions, petitioner amended his application to request \$42,000.00 for attorneys' fees and costs incurred by petitioner's counsel, and \$906.01 for costs incurred by petitioner, amounts to which respondent does not object. The Court awards these amounts.

On June 16, 2014, Patrick MacDonald filed a petition for compensation, alleging that the trivalent influenza ("flu") vaccine, which he received on October 14, 2013, caused development of a shoulder injury related to vaccine

¹ The E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

administration (“SIRVA”), neuritis, and/or other injuries. Petitioner received compensation based upon the parties’ stipulation. Decision, issued June 25, 2015. Because petitioner received compensation, he is entitled to an award of attorneys’ fees and costs. 42 U.S.C. § 300aa-15(e).

Petitioner seeks a total of **\$42,000.00** in attorneys’ fees and costs. Petitioner seeks a total of **\$906.01** in petitioner’s costs. Respondent has no objection to the amount requested for attorneys’ fees and costs, or petitioner’s costs.

After reviewing the request, the Court awards the following:

- a. A lump sum of \$42,000.00, in the form of a check made payable to petitioner and petitioner’s attorney, Michael G. McLaren, for attorneys’ fees and other litigation costs available under 42 U.S.C. § 300aa-15(e).**
- b. A lump sum of \$906.01, payable to petitioner, Patrick MacDonald, for costs he incurred in pursuit of his petition.**

The Court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.

Any questions may be directed to my law clerk, Dan Hoffman, at (202) 357-6360.

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master